

1 BILL NO. G-86-07-02 (AS AMENDED)

2 6-86-10-17

3 GENERAL ORDINANCE NO. G-26-86

4 36-86

5 AN ORDINANCE amending the Thoroughfare  
6 Plan of the City Comprehensive ("Master")  
7 Plan by vacating a dedicated plat.

8 WHEREAS, a petition to vacate a dedicated plat within  
9 the City of Fort Wayne (as more specifically described  
10 below) was duly filed with the City Planning Commission; and

11 WHEREAS, said Commission has duly forwarded its  
12 recommendation to this body approving said petition, all in  
13 accordance with I.C. 36-7-4-512(2) and this body having  
14 held a public hearing on said vacation as provided in  
15 I.C. 36-7-3-12; and

16 WHEREAS, said body concurs in the recommendation of  
17 the City Planning Commission.

18 WHEREAS, in "Section 1." a scrivener's error stating "a  
19 public alley" instead of "a dedicated plat", as stated  
20 elsewhere in the ordinance was made, this amended ordinance  
21 is being submitted to correct said scrivener's error.

22 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
23 THE CITY OF FORT WAYNE, INDIANA:

24 SECTION 1. That the petition filed herein to vacate a  
25 dedicated plat within the City of Fort Wayne, more specifically  
26 described as follows, to-wit:

27 Part of the East Half of the Southwest Quarter of  
28 Section 27, Township 31 North, Range 12 East, Allen  
29 County, Indiana, more particularly described as  
30 follows, to-wit:

31 Commencing at the Northeast corner of said Southwest  
32 Quarter; thence South 00 degrees 13 minutes East (deed  
bearing and is used as the basis for the bearings in  
this description), a distance of 419.7 feet; thence  
North 90 degrees 00 minutes West, a distance of 634.1  
feet; thence South 00 degrees 13 minutes East, a  
distance of 19.9 feet; thence North 90 degrees 00  
minutes West, a distance of 34.2 feet to the true  
point of beginning; thence North 90 degrees 00 minutes  
West, a distance of 604.0 feet to a point situated  
40.0 feet East of the centerline of Harris Road;  
thence South 00 degrees 13 minutes East and parallel  
to said centerline, a distance of 400.0 feet; thence

South 90 degrees 00 minutes East, a distance of 664.0 feet; thence North 00 degrees 13 minutes West, a distance of 200.0 feet; thence North 90 degrees 00 minutes West, a distance of 60.0 feet; thence North 00 degrees 13 minutes West, a distance of 200.0 feet to the true point of beginning, containing 5.822 acres of land, subject to all easements of record,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

APPROVED AS TO FORM AND LEGALITY:

~~BRUCE O. BOXBERGER, CITY ATTORNEY~~

\*\*Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_ 1986, in the  
Council Chambers.

Sandra E. Kennedy, City Clerk

DATE: 10-14-86

Sandra E. Kennedy  
**SANDRA E. KENNEDY, CITY CLERK**

Read the third time in full and on motion by Castor  
seconded by Reed, and duly adopted, placed on it  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	8	—	—	1	—
<u>BRADBURY</u>	—	—	—	—	—
<u>BURNS</u>	—	—	—	—	—
<u>EISBART</u>	—	—	—	—	—
<u>GiaQUINTA</u>	—	—	—	—	—
<u>HENRY</u>	—	—	—	—	—
<u>REDD</u>	—	—	—	—	—
<u>SCHMIDT</u>	—	—	—	—	—
<u>STIER</u>	—	—	—	—	—
<u>TALARICO</u>	—	—	—	✓	✓

DATE:

Passed and adopted by the Common Council of the City of Fort

Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. D-36-86  
on the 28th day of October, 1986

**ATTEST:**

(SEAL)

SANDRA F. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the 29th day of October, 1986  
at the hour of 11:00 o'clock A.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

SANDRA E. KENNEDY, CITY CLERK

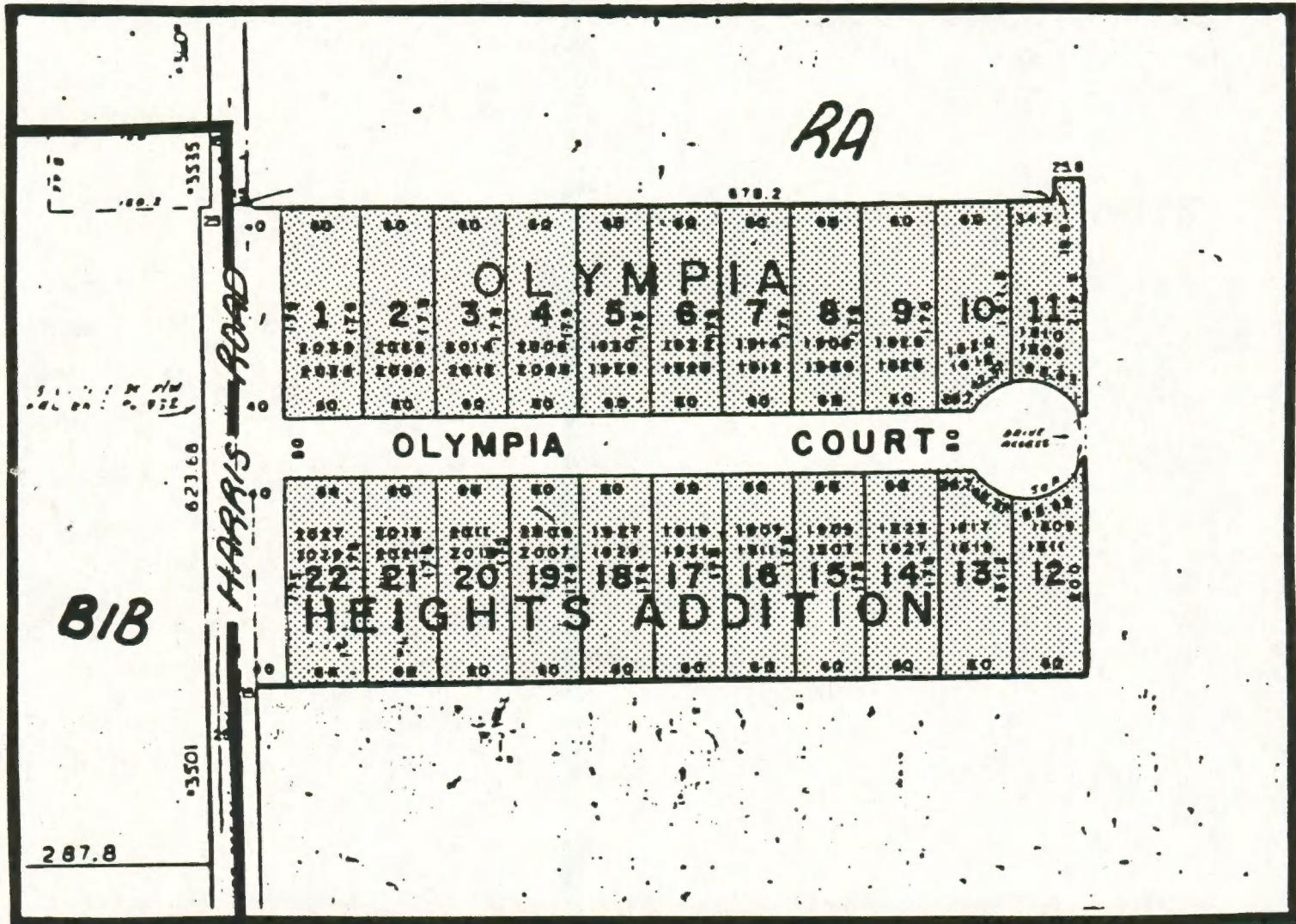
Approved and signed by me this 31 day of October  
19 86 at the hour of 4<sup>00</sup> o'clock P.M., E.S.T.

WIN MOSES, JR., MAYOR

A PETITION TO VACATE THE DESCRIBED ADDITION.

MAP NO J-22

COUNCILMANIC DISTRICT NO. 3



### Zoning:

### Land Use:

RA RESIDENCE 'A'

BIB LIMITED BUSINESS 'B'

Scale: 1" = 150'

22 Date: 10-28-85

A circular arrow with a diagonal line through it, indicating the direction of North.

ORIGINAL

Admn. Appr. \_\_\_\_\_

COUNCILMANIC DISTRICT No. \_\_\_\_\_

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Plat Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Olympia Heights Plat

9-86-10-17

EFFECT OF PASSAGE There is a scrivener's error in the original ordinance. The owners are selling the property and insuring the title to the buyer. The title insurance underwriter has told their local agent, Three Rivers Title Company, that they will not insure the title over this error and therefore, the title as it stands is not marketable because of this error.

EFFECT OF NON-PASSAGE Property will not be able to be insured as the ordinance now reads. The error will place an unnecessary hardship on owner.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating a  
dedicated plat.

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION)

YES

NO

BEN A. EISBART  
CHAIRMAN

JANET G. BRADBURY  
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 10-20-06

SANDRA E. KENNEDY  
CITY CLERK